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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,646	04/27/2001	Salil Pradhan	30014342 US	7843

7590 08/25/2004

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EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/843,646

Applicant(s)

PRADHAN ET AL.

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18,20-22,38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 39 is/are allowed.
- 6) ☐ Claim(s) 1-4,6-18,20-22 and 38 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Allowable Subject Matter*

1. Claim 39 is allowed.
2. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4,6-18,20-22,38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rautila** in view of **Slettengren et al.** (US 2002/0028674).

As to Claims 1,20,38, with respect to Figures 1-4, **Rautila** teaches a method of advertising to a consumer device comprising broadcasting a short range piconet advertisement (Figure 2, label 44);

making an assessment as to whether a response or reply to the advertisement is required and, if so, replying to the advertisement via telecommunications (Figure 2, label 46 and Col. 9, lines 12-42);

sending a first part of the advertisement via the short range telecommunications; and

**Rautila** does not teach the following limitations

“sending a second, longer or larger, part of the advertisement via short range telecommunications, the second part of the advertisement being transmitted after the consumer device has screened the first part of the advertisement and has requested the second part of the advertisement”

However, it is obvious that **Rautila** suggests the limitation. This is because **Rautila** teaches displaying advertisement information from information sources and short range interaction between the mobile user and the information sources (Figure 1, labels 24 and 27' and Col. 7, lines 1-10). **Slettengren** teaches incoming communications using sub-type identifiers (first part of an advertisement) and further sub-types (second or longer part of the advertisement) (P0056,P0058) and interaction between mobile devices and politeness zone providers

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(information sources) (P0059,P0060) using short range communications. Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add sub-type capability to **Rautila's** invention for identifying special alerts as taught by **Slettengren's** invention in order to provide a user with detailed information on information types with specific service sub-types.

As to Claim 2, **Rautila** teaches a method according to claim 1 comprising requesting further or fuller details of the advertisement via long range wireless telecommunications (Col. 9, lines 20-28).

As to Claim 3, **Rautila** teaches a method according to claim 1 comprising replying to the advertisement via short range piconet wireless telecommunications (Figure 1, label 14 and Col. 6, lines 36-40).

As to Claim 4, **Rautila** teaches a method according to claim 1 comprising broadcasting a short form advertisement and requesting further or fuller details of the advertisement (Figure 1).

As to Claim 6, **Rautila** teaches a method according to claim 1 in which the advertisement is broadcast by a hand-portable mobile wireless telecommunications device (Col. 8, lines 13-18).

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As to Claim 7, **Rautila** teaches a method according to claim 1 in which the advertisement is assessed using a hand portable consumer mobile wireless telecommunications consumer device (Figures 1 and 3).

As to Claim 8, **Rautila** teaches a method according to claim 1 in which receipt of the short form advertisement prompts the consumer device to request more information via the short range telecommunications automatically if the short form advertisement triggers a trigger to do so (Figure 3).

As to Claim 9, **Rautila** teaches a method according to claim 1 comprising using short range telecommunications, 24, to communicate a short-form advertisement to the consumer device, and short range telecommunications, 27, to communicate a request for a fuller advertisement from the consumer device to an advertiser device, and short range telecommunications, 27', to communicate fuller details from the advertiser device to the consumer device, all taking place within the order of a second or a few seconds (Figure 1); and

using long range telecommunications, 42, to carry a reply to the advertisement to an advertisement reply device which is a different device to that from which the advertisement was broadcast (Figure 1).

As to Claim 10, **Rautila** teaches a method according to claim 1 comprising storing the telecommunications address with which the consumer device is to communicate the reply to the

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advertisement in the consumer device for display, for automatic dial or for semi-automatic dialling, or both (Figure 3).

As to Claim 11, **Rautila** teaches a method according to claim 1 in which the advertisement is received by a portable telephone, personal digital assistant or other handheld portable electronic device, and in which the assessment as to whether a reply to the advertisement is required is at least in part made by the portable consumer device (Figure 3).

As to Claims 12, 16-17, **Rautila** teaches a method according to claim 11 in which the advertisement received by the mobile device:

**Rautila** does not teach the following limitation:

“is screened against an advertisement profile filter by the device before being presented to the user of the device, and is only presented to the user if the advertisement passes the screening operation”

**Slettengren** teaches a control profile for screening incoming communications (P0038, P0039 and P0040). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add control profile capability to **Rautila**'s invention for controlling which communications to accept as taught by **Slettengren**'s invention in order to provide a user with alerts for selected communications.

As to Claim 13, **Rautila** teaches a method according to claim 1 comprising:

broadcasting a short range advertisement from an advertiser telecommunications device (Figure 1, label 14);

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receiving the broadcast advertisement on the consumer telecommunications device (Figure 1, label 12); and

replying to the advertisement via a broker device interposed in the telecommunications link between the advertiser device and the consumer device (Figure 1, label 42).

As to Claim 14, **Rautila** teaches a method according to claim 13 in which the broker device modifies the message sent by the consumer device to the advertiser device, and/or modifies any follow-up message sent by the advertiser device, or a proxy or master advertising device, to the consumer device (Col. 9, lines 1-11).

As to Claim 15, **Rautila** teaches a method according to claim 13, in which the advertiser device does not include its own telecommunications address in its broadcast advert, but does include the telecommunications address of the broker device (Col. 7, lines 12-22).

As to Claim 18, **Rautila** teaches a method according to claim 1 in which the consumer device is used to reply to an advertisement via long range telecommunications (Figure 1, label 42).

As to Claim 21, **Rautila** teaches a method according to claim 1 in which the advertisement is broadcast from a hand-holdable portable, pocketable, wireless advertiser device (Figure 1, label 14).



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As to Claim 22, **Rautila** teaches a method according to claim 1 comprising using portable electronic devices for both the advertiser device and the consumer device, the devices both having both piconet short range and long range telecommunication capabilities (Figure 1).

*Response to Arguments*

6. Applicant's arguments filed in the 5/10/04 Remarks have been fully considered but they are not persuasive because of the following:

(a) It is not obvious to combine **Rautila** with **Slettengren** because **Rautila** is directed towards advertisements and **Slettengren** is directed towards Politeness Zones which have nothing to do with advertisements.

Examiner respectfully disagrees. **Slettengren** teaches that politeness zones can be identified by type e.g. schools, libraries, restaurants, etc. (P0055). P0056 teaches that a user can program his device to be notified when it receives special alerts for a particular restaurant politeness zone. As taught in P0056 the special alert is an advertisement in the conventional meaning of advertisements. These passages clearly teaches that **Slettengren** is directed towards advertisements as taught by **Rautila**. Therefore, it is obvious to combine the prior art to achieve the claims.

(b) Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

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*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Weisshaar et al.** (US 6,757,262) teach mobile communications for services using intra-wireless and extra-wireless communications.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

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(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
Allan Hoosain  
Primary Examiner  
7/23/04